

CCDLA
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Connecticut Criminal Defense
Lawyers Association
P.O. Box 1766
Waterbury, CT 07621
(860) 283-5070 telephone/facsimile
www.ccdla.com

April 5, 2013

Hon. Eric D. Coleman, Co-Chair
Hon. Gerald M. Fox, Co-Chair
Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

Re: Raised Bill 6674

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA opposes Raised Bill 6674, An Act Concerning Engaging an Officer in Pursuit. While CCDLA appreciates the objective underlying 6674, to punish as a D felony the improper conduct of an individual who leads police on a non-motor vehicle chase that results in serious injury or death of another person, 6674 is not necessary to punish such conduct since there are existing statutes that do so. Moreover, 6674 is dangerously broad because it does not require the police stop to be supported by a reasonable articulable suspicion of criminal conduct, it criminalizes the perfectly lawful refusal of a citizen not to engage in a consensual stop, it does not require the officer to be acting within the scope of his or her duties, and it does not require that the person be acting with intent to interfere with or thwart the officer in the performance of his/her duties.

A person who causes the harm contemplated by RB 6674 could be prosecuted under CGS Sec. 53a-167c, assault of a public safety officer, or under CGS Sec. 14-223, failing to stop when signaled or disobeying the direction of an officer. A person is guilty of assault of public safety officer when, with intent to prevent a reasonably identifiable peace officer acting in the performance of his or her duties, from carrying out such duties, the person causes physical injury to the peace officer. A violation of 53a-167c is a C felony. It is a question of fact for a jury or judge (in a bench trial) whether a person such as Frank Douglas (whose case is referenced in the attached article), by engaging in pursuit and fleeing from the officer, caused (or proximately caused) the officer's injuries. The fact that Mr. Douglas' case resulted in a plea agreement to

misdemeanor charges does not mean that conduct similar to his could not be prosecuted as felony conduct under 53a-167c. Similarly, such conduct is prosecutable under 14-223 as a C felony if the failure to stop causes death or serious physical injury to another person. Again, it is a question of fact whether the violation was the cause of the victim's death or injury.

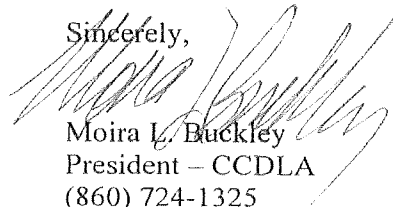
Finally, Raised Bill 6674 is broad and ambiguous. It contains no requirements similar to those found in the interfering with a peace officer and assault on a peace officer statutes that the officer must be acting in the performance of his/her duties, and that the person be acting with an intent to frustrate the officer's performance of his/her duties.

As written, 6674 criminalizes a pedestrian for not stopping at the command of a police officer who is acting outside of the scope of his duties, abusing his position of authority, or stopping someone when he does not have a reasonable articulable suspicion that the person has, or is about to, engage(d) in criminal conduct. An officer who wishes to stop a citizen for personal reasons would be entitled to do so under this bill, and if the citizen refused the command, he/she could be charged with a misdemeanor. A person walking down a dark street at night who is commanded to stop by a police officer but wishes to walk to a well-lighted or public place before stopping, could also be charged with a misdemeanor.

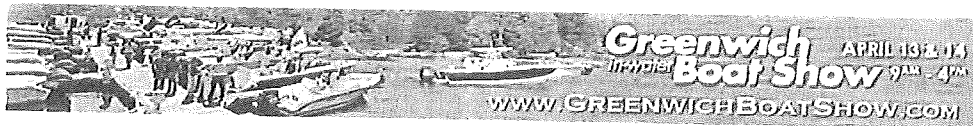
Finally, it is unclear what the bill intends by its definition of "person". If the intent is to prosecute someone similar to Mr. Douglas, applying the bill to *any person other than* the operator of the vehicle (Mr. Douglas) does not accomplish that objective and creates a dragnet effect that includes innocent pedestrians.

Please contact me if you have any questions regarding our position on this bill. Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Moira L. Buckley", is written over the typed name and title.

Moira L. Buckley
President – CCDLA
(860) 724-1325



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No added prison time in police chase

Updated 11:25 pm, Wednesday, February 6, 2013

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Frank Douglas, of 43 Lincoln Ave., Norwalk, was arrested Thursday morning, May 17, 2012 and charged with second-degree robbery, engaging police in pursuit, interfering with police and cruelty to animals. Police say Douglas was trying to get away from Stamford police officer Troy Strauser when Strauser fell 20 feet from a bridge abutment and was critically injured. Photo: Contributed Photo



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Staff Report

STAMFORD -- After nine months in jail, the man who in May 2012 led a Stamford police officer on a chase into Norwalk -- during which the officer fell 20 feet onto Interstate 95 and was seriously injured, was released Wednesday.

At a hearing at State Superior Court in Stamford on Wednesday, Frank Douglas, 30, of Norwalk, pleaded guilty to misdemeanor counts of interfering with an officer, engaging police in pursuit and cruelty to animals and was sentenced to time already served.

Douglas, who was being chased by police because his car looked like one involved in an early-morning robbery on May 17, 2012, had his original charges.

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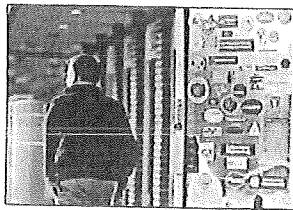
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including assault on a police officer and reckless endangerment, dropped because some elements of the offenses did not fit facts of the case, Assistant State's Attorney David Applegate said.

Douglas was given a suspended 27-month prison sentence, three years of probation and 300 hours of community service.

On May 17, Officer Troy Strauser was on patrol when he heard an alert for a white BMW sought in a robbery, Applegate said.

Strauser saw Douglas' car near West Avenue and tried to stop it, but it fled onto the highway, headed for Norwalk. After spike strips flattened some of the car's tires, Douglas crashed at Exit 14, got out of his car and fled with Strauser close behind, Applegate said.

While trying to run Douglas down, Strauser fell off a 20-foot-tall bridge embankment onto the highway.

Douglas then doubled back, running over six highway lanes and hid in a wooded area on the south side of I-95 before being apprehended.

Strauser was critically wounded, suffering from severe head and internal injuries. He spent the next week in surgery. Titanium was used to put his arm together, his nose had to be rebuilt and it took months for him to eat normally again.

Applegate said the plea agreement with Douglas was a fair disposition.

"I don't think this was a slap on the wrist at all. It was a real sentence here," he said of the nine months Douglas spent in jail.

Applegate said while Strauser was satisfied with the agreement, he was also troubled that no laws applied to his situation. Applegate said assault on a police officer and reckless endangerment laws don't cover officers who are injured while chasing someone.

"What really shocked officer Strauser was that if he had died that night chasing the defendant into the woods, the only charge that he would face was interfering," he said.

At the end of Wednesday's hearing, Judge Richard Comerford, whose son is in the Stamford Police Department, called for changes in state law that would hold a person being chased by police responsible for any injuries to officers.

"These people do our bidding every day. Fine young men and women out there on the streets and we take them for granted, all of us take them for granted," Comerford said. "... absolutely outrageous, the law should be changed."

Douglas' attorney, Darnell Crosland, said his client, who was on parole at the time and driving with a suspended license, ran because he was worried he may be arrested.

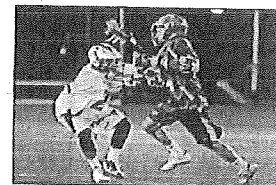


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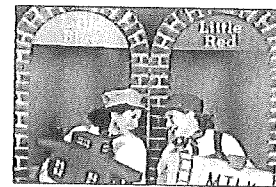
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